

**FREMONT PLANNING BOARD**

**May 17, 2006**

**Meeting Minutes**

**Approved May 24, 2006**

Present: Chairman Larry Stilwell, Selectman Peter Bolduc, Jr., Mark Pitkin, Mbr. & Conservation Commission rep. Jack Karcz, Alt. Roger Barham, Building Official Thom Roy, RPC Rep. David West and Recording Secretary Meredith Bolduc.

Also present: Dan Daley

Mr. Stilwell called the meeting to order at 7:35 p.m.

Mr. Pitkin made the motion that Mr. Barham be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Karcz with unanimous favorable vote.

**MINUTES**

Mr. Pitkin made the motion to approve the minutes of the May 10, 2006 as written.

Motion seconded by Mr. Karcz with unanimous favorable.

**PROCEDURE DISCUSSION**

There was a general discussion relative to Planning Board procedure. Mr. West related his experience relative to the process of reviews, work sessions, preliminary meetings, public hearings and final plans.

There was also a conversation relative to whether Site Plan Review applications should include engineered plans.

Relative to Site Plan Review, Mr. West stated that there should be a threshold of the scope of a business that determines the need and/or extent of Site Plan Review. Mr. Stilwell reminded Mr. West that he had previously agreed to provide a guideline list.

**LESICZKA, JEFFREY & ANGEL**

Map 3 Lot 191-12

There was a general discussion relative to the Lesiczka requested Site Plan Review. It was found that note #4 on the August 19, 1999 original Cavil Mill Road Subdivision plan state "single family building lots". It was noted by Mr. Roy that a potential condition of the approval should be for the current owner only.

**MILL PINE VILLAGE/DAKOTA DRIVE**

Map 1 Lots 035 & 16

**PUBLIC HEARING**

Roadway Connection

Present: Todd Connors and Keith Coviello of Sublime representing Mill Pine Village, Paul Blanc and Jim Michaud

At 8:12 pm Mr. Stilwell opened this Public Hearing for Mill Pine Village and read the public notice which was as follows:

*In accordance with NH RSA 675:7, you are hereby notified that the Fremont Planning Board will hold a Public Hearing at 8:00 pm on May 17, 2006 at the Fremont Town Hall for Mill Pine Village, LLC, Chester, New Hampshire. The applicant proposes a roadway connection of Woodbury Lane from the Town of Sandown through the Town of Chester to Dakota Drive in the Town of Fremont.*

It was noted that this hearing was noticed on April 20, 2006 at the Fremont Post Office and Fremont Town Hall and in the April 21, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on April 20, 2006 and all returns have been received. The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters.

Comment sheets were received from:

Health Officer Trudie Butler = *no objections*

Fire Chief Heselton = *I feel this is a good thing as it would give Fremont residents a second way out if the one way in and out became blocked by storm damage etc. This has happened once already this year (tree & wires down)*

Fremont Conservation Commission = *no comment*

The Board received the following:

1. A March 16, 2006 correspondence from Road Agent Guerwood Holmes recommending that there should be a plan drawn by Mill Pine Village which would be reviewed by Cecil Lukem of SEA Consultants and presented to the Planning Board. He noted concerns relative to added traffic and suggested a traffic study be done. He also noted concerns relative to the distance of the road in conjunction with plowing and sanding and whether the cul-de-sac should be removed.
2. An undated correspondence from the Fremont Police Chief in favor of the connection.
3. An April 21, 2006 correspondence from Selectmen's Clerk Jeanne Nygren to Mr. Lukem advising of the receipt of a \$1000.00 Engineering escrow for the project.

The Board also received and reviewed a March 22, 2006 correspondence from the Fremont Selectmen to the Planning Board as a follow-up to meeting with Todd Connors of Sublime Civil Consultants, Wayne Britton representing developer David Drowne and with the Road Agent. In their correspondence the Selectmen recommended the following:

1. The applicant will apply for a public hearing
2. The Town of Fremont's consulting Engineer will review the plan and make recommendations as with all other plans submitted to the Fremont Planning Board.
3. Fremont will consider a traffic study as recommended by the consulting engineer.
4. The question needs to be addressed by the applicants about the road exiting into Fremont and why that is necessary. If so, why it was not proposed earlier in the planning process.
5. Treaty Court and Dakota Drive were built to Fremont specifications based on the Fremont traffic considerations. The additional traffic flow needs to be considered and appropriate.
6. After consideration the Selectmen felt that the cul-de-sac should be left in place for emergency purposes. The Selectmen felt that this issue is one that should be addressed during the planning stages by the Road Agent, Engineer and Safety Services.

## 05-17-06 PB Minutes

The Board reviewed an April 6, 2006 letter of intent from Sublime Civil Consultants, Inc., in which they state that at this time the proposal is to subdivide the existing lot into 2 lots and a right-of-way for the construction of approximately 1,600 linear feet of a new town roadway. A portion of the proposed roadway system will be an extension of Woodbury Lane (Sandown town approved road) which will extend through the property and connect

to Dakota Drive (Fremont town approved road). The correspondence further stated that the current proposal is to leave the existing cul-de-sac at the end of Dakota Drive and connect the proposed roadway within the provided right-of-way, requiring approximately 25' of construction of new roadway in the Town of Fremont's right-of-way.

The Board reviewed plan # 02307 drawn by Sublime Civil Consultants, Inc. and dated November 1, 2004 with revisions on December 14, 2004, June 1, August 15, November 22, 2005 and March 16, 2006. The plan included Site Cover Sheet, sheet # S3 = topographic Subdivision Plan of Mill Pine Village, sheet #S5 & S6 = Open Space Plan Mill Pine Village, sheet # P3 = Roadway Plan & Profile of Woodbury Lane Sta. 10+00 to Sta. 21+50, sheet #P4= Roadway Plan & Profile of Woodbury Lane Sta. 21+50 to Sta. 33+00 Mill Pine Village, sheet #D2 = Drainage and Erosion Control Details Mill Pine Village and sheet #D4=roadway Construction Details, Woodbury Lane, Mill Pine Village.

The Board received and reviewed Mr. West's May 17, 2006 required "Roadway Connection from Dakota Drive to the Mill Pine Village Subdivision (Chester)" report. In his report Mr. West stated that he has reviewed the subdivision plan from Sublime Civil Consultants for a proposed connection and roadway extension from Dakota Drive in Fremont to Woodbury Lane on Chester and he sees no reason not to approve the proposed connection. His additional comments were as follows:

1. The proposed roadway connection will require 25 feet of roadway to be constructed within the Town of Fremont's right-of-way. The proposed roadway is outside of the watershed protection district. The current proposal is to leave the existing cul-de-sac at the end of Dakota Drive. This would enable emergency vehicles and snow plowing vehicle to turn around without having to cross the town line.
2. Any Street name will need approval from the Planning Board or Board of Selectmen.

Mr. West asked if the connection was planned at the onset of the subdivision and Mr. Connors agreed that it was. Mr. Connors stated that there is a catch basin in the center of the cul-de-sac circle and they have decided to leave it in place and put an inlet on the south side of it for drainage, so there will be no additional drainage work in the town of Fremont. Mr. Connors showed locations of proposed additional stop signs, street name sign on the Chester side of the roadway, the new road in Chester will be named Woodbury Lane, but the Fremont side will remain Dakota Drive. The names will change at the town line. Mr. Connors stated that they started this project in November of 2004 with Chester, came to Fremont in March of 2005 and Sandown of 2005. He apologized for not following through with the Fremont requirements. Mr. Connors added that they have all State permits and are now in the process of finalizing the project.

Signs were discussed and it was agreed that there need to be stop signs placed at the front of each roadway. Mr. Connors stated that the plan will not change due to the road connection because of the platted 50' right-of-way. He stated that there will be some traffic going from each town to the other (Chester, Sandown and Fremont). He stated that given the way the road goes, he does not think there will be much traffic from the other towns into

Fremont. It was agreed that there will basically local traffic and there is no traffic study needed. Mr. West agreed that with such a small amount of local traffic it would be ridiculous to require a traffic study. Mr. Connors stated that Chester did not require them to do a traffic study either.

Snow plowing was discussed and it was agreed that it is not an issue. Mr. Connors stated that there will not be any additional drainage work required in Fremont.

Mr. Stilwell stated that in a phone conversation with Meredith in the Land Use Office, Mr. Lukem stated that he has not reviewed the plan yet, but will do so and send his report.

Mr. Stilwell stated, and the Members agreed, that the Board will want the Town Engineers report before making a decision.

Mr. Pitkin made the motion to continue this Public Hearing to 8:30 on June 14, 2006 to allow time to receive the Engineers report.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

ERIN MICHAUD  
Map 2 Lot 156.2-21

PUBLIC HEARING  
Subdivision

Present: Owner Jim Michaud and Paul Blanc of Jones & Beach Engineering

Mr. Stilwell opened this Public Hearing at 8:45 pm and read the notice of the meeting which was as follows:  
*Notice is hereby given that the Fremont Planning Board will hold an Abutters/ Public Hearing on May 17, 2006 at 8:30 P.M. at the Fremont Town Hall to consider an application from Erin Michaud for a two (2) lot subdivision of Map 2 Lot 156.1-21, 55 Andreski Drive in Fremont, New Hampshire.*  
*The applicant proposes to subdivide her 5.01 acre lot keeping 2.50 acres with the existing Map 2 Lot 156.1-21 and creating a new 2.51 acre lot to be known as Map 2 Lot 156.1-21-1 for the purpose of a single family residential dwelling.*

It was noted that this hearing was noticed on May 2, 2006 at the Fremont Post Office and Fremont Town Hall and in the May 5, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on May 5, 2006 and all returns have been received except for abutters Campbell and DeVeber.

The application included 6 sets of plans, the proper check amount, list of current abutters, the checklist signed by Jim Michaud certifying zoning compliance. There was no list of requested waivers.

Also received were the following:

1. ZBA notices of decisions for the April 25, 2006 approval of Special Exceptions. One to allow the placement of a well with associated drainage as close as 31' to the wetland and the other to allow the construction of a driveway and associated site grading crossing a wetland, but impacting no more than 170 square feet of the wetland buffer. Both exceptions are for the proposed Map 2 Lot 156.1-21-1.
2. DES Wetlands Non-Site Specific Permit # 2005-02886 approved on January 18, 2006.
3. A February 15, 2005 letter of authorization from Michaud to Paul Blanc.
4. A NHDES Minimum Impact Expedited Application form
5. A December 5, 2005 NH DES Permit By Notification package

Mr. West stated that he thinks there is enough information to make a decision.

Mr. West noted that wetlands are shown on the plan and the existing septic is within the wetland setback. Mr. Blanc presented the original 1988 subdivision plan which showed no wetlands on the lot. Mr. West stated that although there are no wetlands shown on the original plan, there are wetlands shown on the current one. Mr. West stated that, if the parcel is to be subdivided, both lots must be compliant with current zoning.

Mr. West presented his May 17, 2006 required subdivision review report which included;

1. General Comments: The applicant has received a Special Exception to cross the wetland with a driveway and place the wellhead within the wetland setbacks.
2. General Requirements for Subdivision of Land (Article III Section 1), his comment that "all subdivisions must comply with Zoning. The proposed subdivision would not comply with Article IX, Watershed Protection District, due to the existing septic system's location within the wetland setbacks."
3. Required Exhibits, Existing Conditions, Mr. West noted that Article III Section 3 (D) requires the original parcel to show an area total for area used; (G) requires locations of all structures, wells and septic systems within 200' of the site and shown on the plan; (L) HISS mapping shown on the plan; or waivers requested for the aforementioned exhibits.
4. Under Required Exhibits Proposed Site Conditions (Article III Section 4) Mr. West noted that (A) an estimate of school children, (B) distance to emergency services, (L) a note indicating that all road and drainage work conforms to the NH State standard specs, and (M) proposed utilities should be shown on the plan.
5. Sewage disposal and Water Supply ( Article III Section 6) Mr. West noted (B1) existing well radius is off the property; (C1) existing septic does not meet State requirements of 75 feet from wetlands and (C2) test pits and septic reserve area for both parcels are required.
6. Article III Section 10.02 (F2) does the proposed driveway have 250' of site distance in both directions?

Mr. Roy stated that the conditions of the septic and well are existing, whether there is a subdivision or not. Mr. West stated that he feels the septic on the existing lot should be moved out of the wetlands or the applicant should seek a Variance from the ZBA. Mr. Michaud stated that he has been to the ZBA and feels that the zoning issues have been taking care of, adding that the ZBA did not come up with other issues. It was noted that Special Exceptions have been granted for the driveway crossing wetland and the well and associated drainage closer than allowed to the wetland, but no other issues were applied for.

Mr. Roy stated that in looking at the plan, the existing building and shed are also within 100' of the wetlands. Mr. West agreed, stating that to further subdivide the lot would be allowing the non-compliance. He added that either the wetlands are new, or they were not delineated with the original subdivision plan.

Mr. Michaud asked if he understood that this meeting cannot go forward until he gets additional zoning relief from the ZBA and Mr. West stated that was the case. Mr. Michaud added that this is the first time he has been before the Planning Board, but he has been before the ZBA and he wants to be sure that all non-conformances can be identified so that they can be taken care of.

It was agreed that the Board will review the plan and issue a written recommendation to the applicant relative to the Zoning issues.

The Board did not take jurisdiction of the application.

At 9:15 pm Mr. Pitkin made the motion to continue this Hearing to 8:00 pm on July 12, 2006 to allow time for the

05-17-06 PB Minutes

applicant to get all ZBA issues taken care of.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

#### POINT OF ORDER

At 9:20 pm Peter Bolduc removed himself from the Board as he is an abutter to the LeClair property, which is the next agenda item.

FRED & JOYCE LECLAIR  
Map 2 Lot 077-1

PUBLIC HEARING  
Subdivision

Present: Owners Fred & Joyce LeClair, Scott LeClair, representing surveyor Chris Frey and abutter Peter Bolduc.

Mr. Stilwell opened this Public Hearing at 9:20 p.m. and read the notice of the meeting which was as follows:  
*In accordance with NH RSA 675:6 and 675:7, you are hereby notified that the Fremont Planning Board will hold an Abutters/ Public Hearing on Wednesday, May 17, 2006 at 9 pm at the Fremont Town Hall to consider an application from Fred & Joyce LeClair for a two (2) lot subdivision of Map 2 Lot 077-1. The applicants propose to subdivide their fifty three (53) acre lot located on Red Brook Road and RT 107, keeping forty nine (49.89) and eighty nine one hundredths acres with the existing Map 2 Lot 077-1 and creating a new three (3.11) and eleven one hundredths acre lot to be known as Map 2 Lot 077-1-3, for the purpose of a single family residential dwelling.*

It was noted that this hearing was noticed on May 2, 2006 at the Fremont Post Office and Fremont Town Hall and in the May 5, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on May 5, 2006 and all returns have not been received. Certified returns outstanding are Cornerstone Survey and abutters Lisa & Christopher Ross and Denise Comeau Gelina.

The application included 6 sets of plans, the proper check amount, list of current abutters, the checklist signed by owner Fred LeClair certifying zoning compliance. Also submitted was an October 24, 2005 test pit log for test pits #3a and #4a at Map 2 Lot 077-1, stamped by Designer of Subsurface Disposal Systems Kevin Hatch. There was no list of requested waivers submitted.

Mr. Pitkin made the motion to accept jurisdiction of the plan.  
Motion seconded by Mr. Karcz with unanimous favorable vote.  
The 65 day clock begins on this date and ends on July 21, 2006.

Comment sheets were received from:

Health Officer Trudie Butler = *Good planning*

Fire Chief Heselton = *Wonder length of driveway. If long, would require a place to turn fire equipment around like a hammerhead.*

Fremont Road Agent = " *no problems*"

There is comment from abutter Magnusson " *OK with us*" written on the public notice he received and returned to

the Board for the files.

(see file for all comment sheet correspondences)

It was reported that the Fremont Conservation Commission has not reviewed the plan for comment as their scheduled meeting was canceled due to the flooding emergency situation. They will meet again on June 5, 2006.

The April 10, 2006 letter of intent from Kevin Hatch of Cornerstone Survey stated that the application is for 1 new 3 acre, single-family house lot off the existing 53 acre lot. The Board reviewed plan # 06-894 drawn by Cornerstone Survey Associates and dated April 2006. The plan showed the entire 53 acre property divided into one 53 acre lot and one 3.11 acre lot, distances from site to school, fire and police stations.

Mr. Frey presented a plan that differed from the one submitted with the application in that the existing lot shows 49.89 acres after the subdivision. He stated that soil scientist stamp will be on the final plan. In answer to

questions by the Board Mr. Frey stated that there are wetlands in the back of the property, note #2 on the plan states that the intent of plan is to subdivide the existing 53 acre lot into 2 single family lots and note #5 on the plan states that the property is in the Aquifer Protection District.

Mr. West submitted his May 17, 2006 subdivision review report as required. He noted that there are no waivers and the same waivers as the last subdivision of this property could be received. The report included:

1. General Comments: Because the proposed subdivision is in the Aquifer Protection district, no more than 10% of the proposed lots may be rendered impervious. For the 3.11 acre lot that is approximately 13, 579 sf.
  2. Required Exhibits, Existing Conditions, Article III Section 3 (C) Surveyed property lines: the applicant should request a waiver from this requirement for the 50 acre parcel. (D) requires the original parcel to show an area total for area used; (E) Topographic contours; the Applicant should request a waiver from this requirement for the 50 acre parcel (G) Are all structures, wells and septic systems on the site and within 200' shown on the plan? (H) Plan will require a signed wetlands stamp from a NH licensed wetland scientist for the proposed lot 77-1-1 (L) HISS mapping is not shown on the plan;  
Mr. West added that he would recommend granting waivers for C, D ,E, and H. The applicant may want to request a waiver to L.
  3. Under Required Exhibits Proposed Site Conditions (Article III Section 4) (C) Each new parcel needs an area total for: area left in natural state, area of wetlands, recreation area, and area used. (D) Wetland Delineation: applicant should request a waiver from this requirement for the 50 acre parcel (E) Proposed grades; Applicant should request a waiver from this requirement for the 50 acre parcel (I) I do not believe this should be required in this case. (this covers a sketch of a future street system) (M) proposed utilities should be shown on the plan. Mr. West added that he would recommend granting waivers for C, D, and E. The applicant may want to request an additional waiver to I.
  4. Sewage disposal and Water Supply (Article III Section 6) (C2) 2 test pits per lot are required.
  5. Article III Section 10.02 (F2) does the proposed driveway have 250' of site distance in both directions?
- Mr. West added that the Board can require that the owner show a plan for the balance of the property.  
Mr. West's last comment prompted a general discussion relative to the fact that this is the 3<sup>rd</sup> piece to be subdivided from the parcel and whether a plan should be required.  
The Board reviewed and discussed Mr. West's report.

Mr. Frey stated that he has recently spoken with Fremont Town Engineer Bill Rollins who assured him that his report will be forthcoming. He added that he understands that State Subdivision # SA1006007071 has been approved and will soon be in hand. Mr. Frey stated that he will address the outstanding issues and draft a list of requested waivers to submit at the next portion of this Public Hearing.

05-17-06 PB Minutes

Outstanding issues:

1. Waiver requests
2. State SD approval
3. Town Engineer report
4. Recorded reference plans
5. Second test pit per lot

There were no comments from the abutters.

Mr. Pitkin made the motion to continue this Public Hearing to 9:00 pm on June 14, 2006 to allow time for the applicant to address all outstanding issues. Motion seconded by Mr. Karcz with unanimous favorable vote.

#### POINT OF ORDER

At 9:45 pm Peter Bolduc rejoined the Board.

#### COOPERS VILLAGE - Excavation Map 3 Lot 037

The Board received an Excavation Renewal Permit Renewal application, \$250 fee and drawn plan submitted by John Wilder for Cooper's Village. It was noted that his permit expires on May 18, 2006. Mr. Stilwell stated that, according to the application, the excavation of Phase 1 is complete and Mr. Wilder is ready to begin Phase II. During the review Mr. Pitkin noted that the contour could possibly be different from the original application. Mr. Stilwell added that the April 20, 2005 permit showed the estimated total volume of material to be excavated was 210,000 cu yds. The Permit Renewal Application states that the total material excavated in the last year was 37,080 cu yds and the total estimated volume to be excavated is now 25,000 cu yds. It was also noted that the removal schedule has moved from January 2007 to December 2007. Mr. Bolduc suggested that Mr. Wilder should be reminded that anything that is disturbed must be reseeded within 30 days.

Mr. Bolduc suggested that the Board request written clarification from Mr. Wilder relative to the difference between the estimated and actual material moved as well as the difference in the lot contour. It was agreed that Mr. Wilder will be contacted for clarification of the permit application and to schedule a visit to the site with the Chairman and Building Official.

#### ABDALLAH CONSTRUCTION CORPORATION – Excavation Map 2 Lot 012

The Board received a May 16, 2006 e-mail notice from Abdallah Construction stating that they have completed the excavation operation at Map 2 Lot 012, Scribner Road. It was agreed that he has done a good job and the site looks good. The "Notice of Excavated Material" will be forthcoming.

#### JOHN GALLOWAY- Excavation Map 5 Lot 035

The Board received a permit renewal application and the \$250 fee from John Galloway. His permit expires on May 18, 2006. Mr. Roy questioned the location of the gravel operation on the parcel. The Board reviewed the application and there was a general discussion relative to the pit location and minor scope of activity. It was noted that, according to the application, there were 500 cu yds removed from approximately 1 acre in the last year.



Mr. Roy stated that Mr. Galloway asked him to report to the Selectmen that there is a beaver problem that is creating wetlands and he feels it is the Town's responsibility to take care of them. The suggestion was to call the State Department of Fish and Game.

It was agreed that Mr. Galloway will be contacted to schedule a visit to the site with the Chairman and Building Official.

#### CORRESPONDENCE

The Board reviewed all correspondences including:

1. May 10, 2006 correspondence from Douglas Kemp of NHDES to Robert Kelly of Seacoast relative to April 18, 23 and May 1, 2006 Administrative order WMD 06-005.
2. May 11, 2006 correspondence from Heidi Carlson, Fremont Selectmen's office, to Chris Frey of Lewis Builders relative to payment of the engineering escrow in accord with the phasing of the project.

Mr. Bolduc made the motion to adjourn at 10:40 P.M.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc